

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Baldesarra

Report Number COA2025-087

Public Meeting

Meeting Date: August 28, 2025

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 2 – Geographic Township of Somerville

Subject: The purpose and effect is to facilitate the reconstruction of an attached deck.

Relief sought:

1. Section 5.2.f of the Zoning By-law, which requires a 15 metre water setback; the proposed water setback is 8.54 metres.

The variance is requested at **115 Fell Station Drive** (File D20-2025-073).

Author: Shayan Okhowat, Planner II

Signature: 

Recommendations

That Report COA2025-087 – Baldesarra, be received;

That minor variance application D20-2025-073 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2025-087, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This

condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2025-087. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate the reconstruction of an attached deck.
Owners:	Mike and Kim Baldesarra
Applicant:	Aditya Srinivas
Legal Description:	Part Lot 19, Concession 1
Official Plan ¹ :	Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential – Flood Plain (LSR (F)) Zone (Township of Somerville Zoning By-law 78-45)
Site Size:	1,686 Square Metres (18,147.95 Square Feet)
Site Access:	Private Road
Site Servicing:	Private Individual Well and Septic System
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The property is situated along the Burnt River with access from Fell Station Drive. The property currently contains a single detached dwelling, built in 1987, and a detached garage, built in 1988 according the data from Municipal Property Assessment Corporation (MPAC). The proposal is to facilitate the reconstruction of an attached deck that encroaches within the water setback. Over time, it is reasonable to anticipate that property owners will enhance existing structures to maximize the quality and functionality of their lots. Furthermore, the reconstruction

¹ See Schedule 1

² See Schedule 1

respects the existing scale and design of surrounding homes, ensuring an appropriate fit within the community.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The property is designated as Environmental Protection under the City of Kawartha Lakes Official Plan (2012).

As per policy 34.1 of the Official Plan, nothing in the Official Plan or the implementing Zoning By-law shall prevent the use of any land, building or structure for a purpose prohibited by the is Plan, if the land, building or structure was lawfully used for that purpose on the date this Plan was adopted by Council. The City may recognize the existing use of land in an implementing zoning by law. The property is zoned to permit residential uses and accessory structures, and the residential use has been established since at least 1987. The proposed reconstruction of the deck is an expansion to a lawfully established residential use.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The property is zoned Limited Service Residential – Flood Plain (LSR (F)) Zone under the Township of Somerville Zoning By-law 78-45. The LSR permits a single detached dwelling and accessory structures. Relief is required from the water setback.

Section 5.2.f of the Zoning By-law requires a 15 metre water setback. The proposal seeks an 8.54 metre setback. The purpose of a water setback is to provide separation between maintain buildings and natural hazards and to protect and enhance the ecological function of waterbodies by providing a buffer zone that allows for the growth of vegetation between development and the water. The proposed deck shares the same water setback as the existing house, therefore, the proposed encroachment is not anticipated to further impede on existing impacts. Additionally, the proposed deck is to replace an existing deck, so no new use is being introduced into the water setback.

Based on the above, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

No comments received as of the writing of the staff report.

Public Comments:

No comments received as of the writing of the staff report.

Attachments

Appendix A – Location Map

Appendix B – Aerial Photo

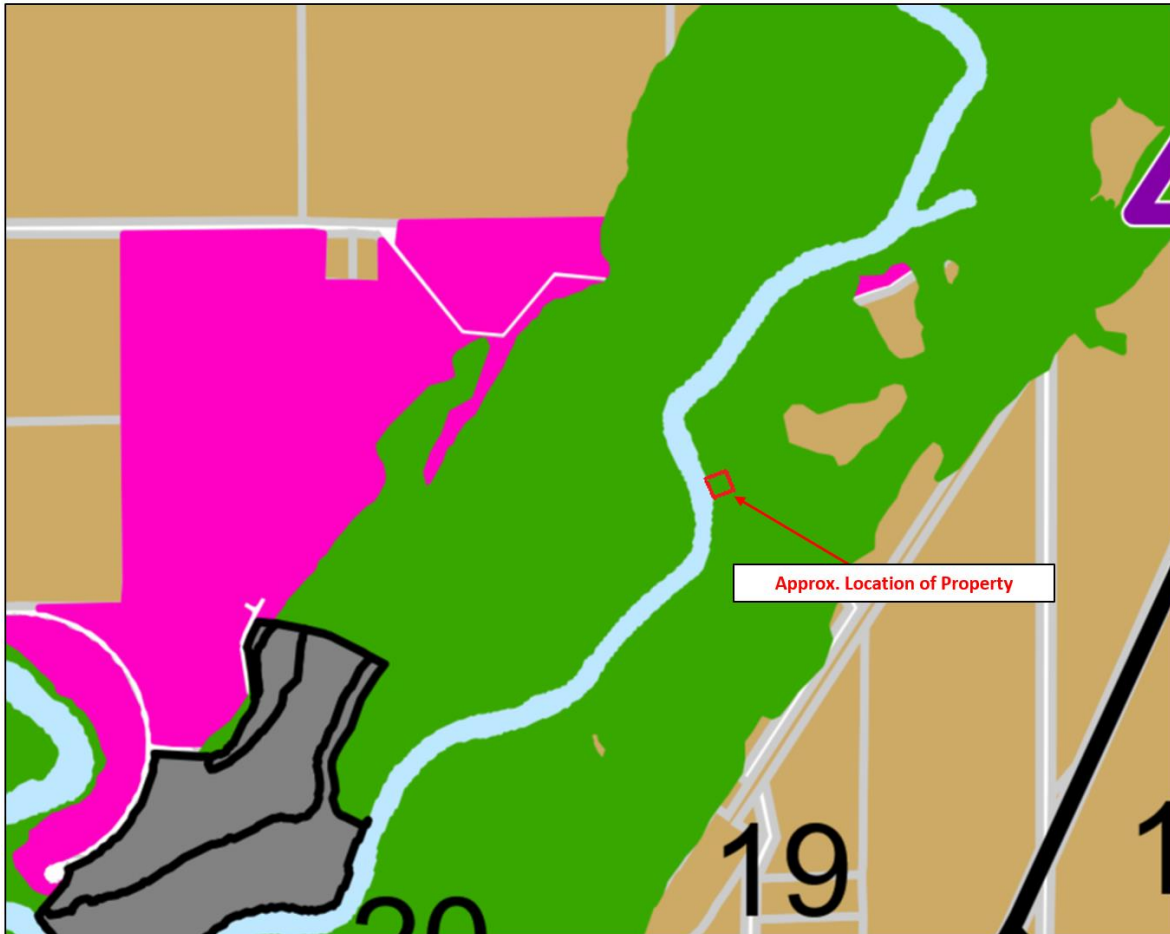
Appendix C – Applicant's Sketch

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E-Mail:	sokhowat@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-073

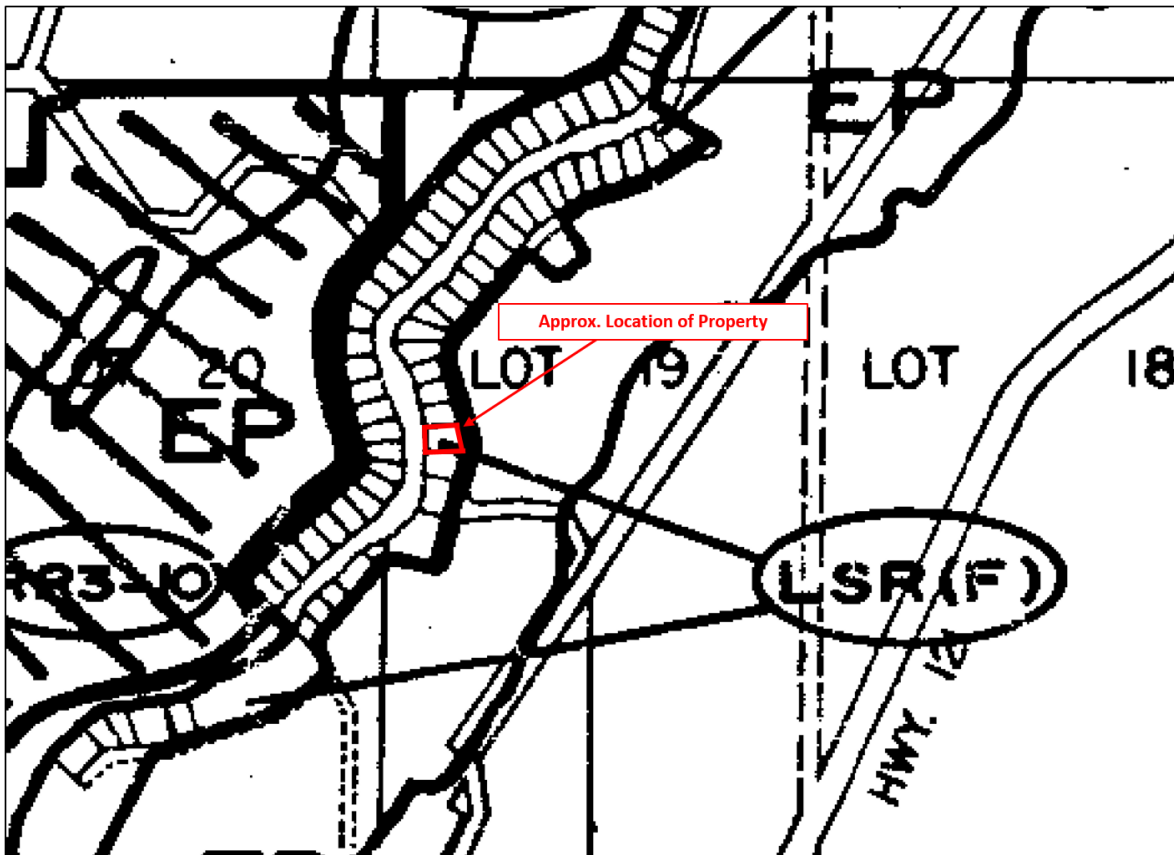
Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Township of Somerville Zoning By-law 78-45

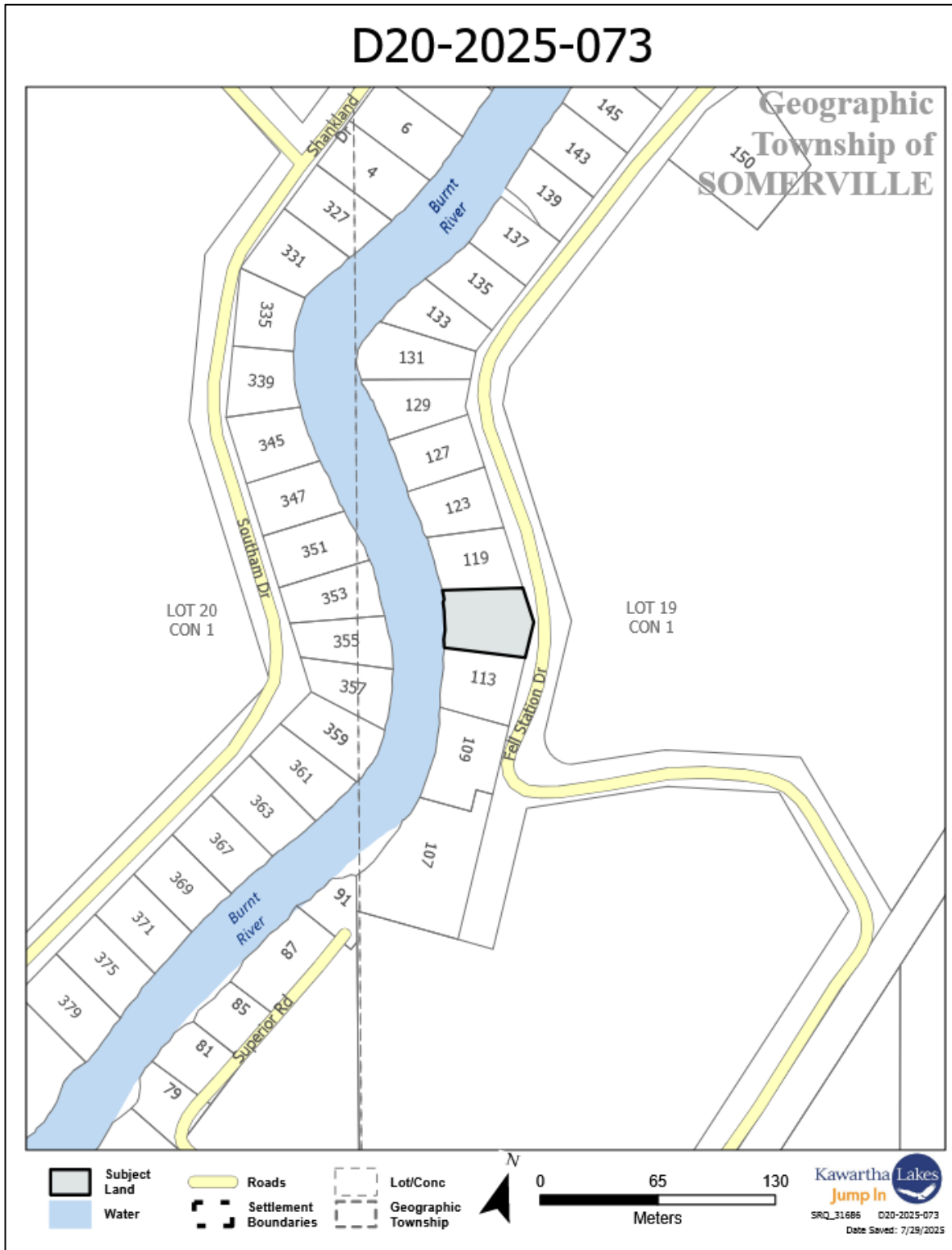


to

REPORT COA2025-087

FILE NO: D20-2025-073

LOCATION MAP



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REPORT COA2025-087

FILE NO: D20-2025-073

AERIAL PHOTO



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REPORT COA2025-087

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APPLICANT'S SKETCH

